

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on December 21, 2004. At the time the Examiner mailed the Office Action claims 1-14 and 16-45 were pending. In response the Applicant has: 1) amended claims 1, 16, 28 and 39; and, 2) has not canceled nor added any claims. As such claims 1-14 and 16-45 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of all claims.

In the Office Action mailed 12/21/2004, the Examiner repeated arguments essentially made in earlier Office Actions.

The Applicant has herewith amended independent claims 1, 16, 28 and 39 and, in so-doing, has made these arguments moot.

Notably the Applicant's independent claims now recite essentially recite:

a request message that asks for a portion of a response to a request, wherein the request message further comprises a first limit that defines the maximum size of the first portion

The Applicant respectfully submits that the BLAST protocol disclosed by Miller does not disclose, teach or suggest a client in a client-server system specifying the maximum size of only a portion of a complete response to a request. Specifically, the numBytes parameter disclosed at Col. 6, lines 52-55 of Miller specifies the size of the complete server's response and not just a portion of the server's response. Therefore the Applicant's independent claims are patentable over Miller.

Because the Applicant has demonstrated the patentability of all pending independent claims, the Applicant respectfully submits that all pending claims are allowable. The Applicant's silence with respect to the dependent claims should not be construed as an admission by the Applicant that the Applicant is complicit with the Examiner's rejection of these claims. Because the Applicant has demonstrated the patentability of the independent claims, the Applicant need not substantively address the theories of rejection applied to the dependent claims.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,
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